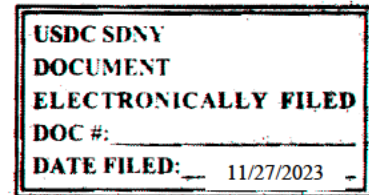


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
RAPHAEL JACKSON,

Petitioner,

22-CV-03357 (LGS)(SN)

-against-

ORDER

MICHAEL CAPRA,

Respondent.
-----X

SARAH NETBURN, United States Magistrate Judge:

On October 6, 2023, the Court denied Petitioner's request for a stay without prejudice and authorized Petitioner to file a Second Amended Petition raising every ground he seeks to pursue (including any unexhausted claims). Thereafter, the Court directed Respondent to file a letter stating its position with respect to Petitioner's request for a stay and abeyance. Respondent filed his letter on November 17, 2023.

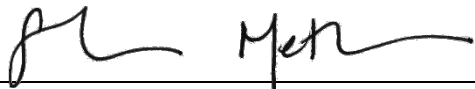
For the reasons stated in Respondent's letter, the Court reaffirms its decision denying further stay and directs that Respondent file an opposition to the Second Amended Petition by January 29, 2024. In particular, the Court concludes that Petitioner has not demonstrated good cause for failing to exhaust his state court remedies earlier nor has he shown that the basis for the writ of coram nobis is not plainly meritless. Rhines v. Weber, 544 U.S. 269, 276-77 (2005). Petitioner is, of course, free to pursue his coram nobis application; but the Court will not further delay adjudication of his Second Amended Petition.

CONCLUSION

Petitioner's request for further stay is DENIED. Respondent must file and serve an answer, motion, or other response to the Second Amended Petition by January 29, 2024.

Petitioner may file a reply brief by February 29, 2024.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: New York, New York
November 27, 2023